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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,351	03/12/2004	Detlef Becker	P03,0116-01	9892

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SCHIFF HARDIN LLP
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, IL 60606

EXAMINER

KAMAL, SHAHID

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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02/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,351	Applicant(s) BECKER ET AL.	
	Examiner SHAHID KAMAL	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/12/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/03/2004, 04/13/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This Office Action is response to the application filed on March 12, 2004.
2. The claims 1-25 are currently pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. The certify copy was filed on March 12, 2004.

Information Disclosure Statement

4. The Information Disclosure Statements filed on 03 December 2004 and 13 April 2007 have been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-25 are rejected under 35 U.S.C. 102(e) as anticipated by Marchosky (US Pub. No. 2003/0050803 A1).

Referring to claim 1, Marchosky discloses a method to protect an electronic data object created to store information from unauthorized access, comprising:

- a) generating an electronic data object identifier dependent on content of the data object (see at least figure 2A[214], ¶ 0041, ¶ 0060 – Patent number identified);
- b) determining an access right dependent on the data object identifier (see at least ¶ 0002, ¶ 0004 -determine access); and
- c) allowing an access of the data object dependent on the access right (see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 2, Marchosky further discloses wherein generating the data object identifier comprises copying an identifier comprised in the data object (see at least ¶ 0009 – copy patent record).

Referring to claim 3, Marchosky further discloses wherein generating the data object identifier comprises utilizing information stored in the data object (see at least ¶ 0007 – storing record).

- Referring to claim 4, Marchosky further discloses a) determining information that enables an association of the data object identifier with an access right category (see at least ¶ 0002, ¶ 0004 -determine access); and
- b) determining the access right dependent on an association of the data object identifier with the access right category (see at least ¶ 0002, ¶ 0004 -determine access).

Referring to claim 5, Marchosky further discloses storing medical data referring to a person in the data object (see at least ¶ 0007 – storing record).

Referring to claim 6, Marchosky further discloses a storage medium on which information is stored that can interact with a data processing device in order to execute (see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 7, Marchosky discloses a method to protect an electronic data object created to store information from unauthorized access, comprising:

- a) generating an electronic data object identifier as a copy of an identifier comprised in the data object utilizing information stored in the data object(see at least figure 2A[214], ¶ 0041, ¶ 0060 – Patent number identified);
- b) determining an access right dependent on the data object identifier (see at least ¶ 0002, ¶ 0004 -determine access);
- c) determining an electronic user identifier of an operating personnel (see at least ¶ 0002, ¶ 0004 -determine access);
- d) determining the access right dependent on the user identifier(see at least ¶ 0002, ¶ 0004 -determine access); and
- e) allowing an access of the data object dependent on the access right(see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 8, Marchosky further discloses determining information that enables an association of the user identifier with an access right category, the access right being determined dependent on an association of the user identifier with the access right category (see at least ¶ 0002, ¶ 0004 -determine access).

Referring to claim 9, Marchosky further discloses a) determining information that enables an association of the data object identifier with an access right category (see at least ¶ 0002, ¶ 0004 -determine access); and

b) determining the access right dependent on an association of the data object identifier with the access right category (see at least ¶ 0002, ¶ 0004 -determine access).

Referring to claim 10, Marchosky further discloses storing medical data referring to a person in the data object (see at least ¶ 0007 – storing record).

Referring to claim 11, Marchosky further discloses a storage medium on which information is stored that can interact with a data processing device in order to execute (see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 12, Marchosky discloses a method to protect an electronic data object created to store information from unauthorized access, comprising:

- a) generating an electronic data object identifier dependent on a content of the data object (see at least figure 2A[214], ¶ 0041, ¶ 0060 – Patent number identified);
- b) determining an access right dependent on the data object identifier (see at least ¶ 0002, ¶ 0004 -determine access); and
- c) allowing an access of the data object dependent on the access right, the access right comprising a standard right and a functional right(see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 13, Marchosky further discloses wherein generating the data object identifier comprises copying an identifier comprised in the data object (see at least ¶ 0007 – storing record).

Referring to claim 14, Marchosky further discloses wherein generating the data object identifier comprises utilizing information stored in the data object (see at least ¶ 0007 – storing record).

Referring to claim 15, Marchosky further discloses the method comprising storing medical data referring to a person in the data object (see at least ¶ 0007 – storing record).

Referring to claim 16, Marchosky further discloses a storage medium on which information is stored that can interact with a data processing device in order to execute (see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 17, Marchosky discloses a data processing system, comprising:
a data processing device configured to access an electronic data object, and an access control module configured to -
a) generate an electronic data object identifier dependent on content of the data object (see at least figure 2A[214], ¶ 0041, ¶ 0060 – Patent number identified),
b) determine an access right dependent on the data object identifier (see at least ¶ 0002, ¶ 0004 - determine access), and
c) allow access to the electronic data object dependent on the access right (see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 18, Marchosky further discloses the data processing system comprising a user identification mechanism configured to identify an electronic user identifier of an operating personnel (see at least figure 2A[214], ¶ 0041, ¶ 0060 – Patent number identified).

Referring to claim 19, Marchosky further discloses the data processing system comprising an access rights store configured to store information with regard to a mutual association of electronic user identifiers and access right categories and that has access to the access control module, the access right being determined by the access control module dependent on an access to the access rights store (see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 20, Marchosky further discloses the data processing system comprising a data object category module, configured to store information with regard to a

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mutual association of electronic data object identifiers and access right categories, the data object category module having access to the access control module, wherein the access right can be determined by the access control module dependent on an access to the data object category module (see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 21, Marchosky further discloses the data processing system that is fashioned as a medical workstation (see at least ¶ 0069 – server).

Referring to claim 22, Marchosky further discloses a storage medium on which information is stored that can interact with a data processing device in order to execute (see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 23, Marchosky discloses a data processing system, comprising: a data processing device configured to access an electronic data object; and an access control module configured to:

- a) generate an electronic data object identifier dependent on content of the data object (see at least figure 2A[214], ¶ 0041, ¶ 0060 – Patent number identified);
- b) determine an access right comprising an access right and a functional right dependent on the data object identifier (see at least ¶ 0002, ¶ 0004 -determine access); and
- c) allow an access to the electronic data object dependent on the access right (see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

Referring to claim 24, Marchosky further discloses the data processing system that is fashioned as a medical workstation (see at least ¶ 0069 – server).

Referring to claim 25, Marchosky further discloses a storage medium on which information is stored that can interact with a data processing device in order to execute (see at least ¶ 0002, ¶ 0041, ¶ 0075 – allow access folio).

7. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (9:00am -7:00pm), Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Statuses information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directed.uspto.gov>.

Should you have any questions on accessing to the Private PAIR system, contact the Electronic Business Center (EBC) at 1(866) 217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1(800) 786-9199 (IN USA OR CANADA) or 1(571) 272-1000.

Shahid Kamal
February 08, 2008

/Bradley B Bayat/

Primary Examiner, Art Unit 3621